REMARKS

Claims 1-48 are pending. Claims 1-48 have been rejected. In view of the discussion below, Applicants respectfully request that the rejections be withdrawn and the pending claims be allowed.

Claim Rejections – 35 USC §102

A. Komoritani (JP 09163458)

Claims 1-2, 19-24, 25-26 and 43-48 have been rejected under 35 USC 102(e) as being anticipated by Komoritani (JP 09163458 A).

The Examiner simply states the rejection based on Komoritani without any explanation or elaboration on Komoritani. Without any further explanation from the Examiner, it is difficult, if not impossible, to respond to this rejection. However, it is clear that upon review of the abstract of Komoritani, the system disclosed therein does not at all involve the use of speed and at least one of location or direction information to control the data rate of a transmission. In particular, parsing the language of the abstract, Komoritani describes a system that estimates the arrival time of radio wave from a vehicle to an obstacle based on the distance between the vehicle and the obstacle and the speed of the vehicle. The estimate of the arrival time is provided to a transmission control section 1A which uses a protocol and the fact that a residual data amount is small (in the case where the vehicle is approaching the obstacle) to increase the data transmission rate. Thus, the data rate is increased when a protocol combined with the amount of residual data from an approaching vehicle is small where such protocol somehow uses the estimated arrival time; the data rate is increased due to weak electric field strength. This is very different from applicants' claimed invention where speed and

at least one of location or direction are used as parameters to control data rate for signal transmissions from one or more base stations (to a mobile) of a wireless system servicing said mobile device. Komoritani does not disclose a system in which base stations are transmitting signals. Komoritani does not disclose a system in which speed of a mobile in conjunction with either location (not disclosed) or direction (not disclosed) to control the data rate transmission of a base station to the mobile. One might argue that the speed is indirectly used to determine when to increase the data rate, but there is no mention of the location or direction of the mobile in Komoritani. The distance between the obstacle and the vehicle is not a location parameter; just as the distance between point A and point B does not disclose the relative positioning (i.e., the location) between point A and point B. Also, the fact that the location is not known does not allow the direction to be known because the vehicle could be approaching the obstacle from any one of infinite locations located on a locus of points equidistant from the vehicle to the obstacle. In sum Komoritani is simply using distance and time estimate of a radio signal bouncing off an obstacle to determine when to increase the data rate to compensate for a weak radio signal caused by the obstacle; Komoritani does not disclosed applicants' invention as amended in the last response filed.

B. Anzil (US Patent 6,449,485)

Claims 1-2, 19-24, 25-26 and 43-48 have been rejected under 35 USC 102(e) as being anticipated by Anzil (US 6,449,485). According to the Examiner:

Anzil discloses a technique for mobile wireless device location, comprising: determining at least one of speed, location or direction information for a mobile device

(see abstract fig. 1 and its description); using said speed and at least one of, location or direction information as a parameter to control a data rate for signal transmission from one or more base stations of a wireless system servicing said mobile device (see abstract, fig. 1, col. 5, lines 21-49 and its description).

Applicants respectfully disagree with the Examiner's reading of Anzil. Anzil discloses a technique for determining the position or location of a mobile (e.g., a cellular telephone) relatively quickly and less expensively especially during emergencies. GPS data received by a base station (serving the mobile) from GPS satellites is sent to the mobile at a relatively higher data rate where such mobile also receives GPS data from the same or GPS satellites that are transmitting data to the base station serving the mobile. In essence, the technique disclosed by Anzil, uses a higher GPS transmission data rate from the base station to the mobile to allow the system to more quickly and more accurately determine the position of the mobile while using relatively less cellular bandwidth. FIG. 1 describes the system as follows: A mobile 134 receives GPS signals from GPS satellites 104, 108 and 112 along transmission paths 124, 128 and 132. The base station serving the mobile (i.e., base station 140) also receives GPS signals from the same (or different) satellites. The mobile 134 also receives a synchronization along path 136 from base station 140. The mobile 134 uses the synchronization signal to synchronize an internal timing apparatus to a clock within base station 140. A signal output by the synchronized timing apparatus of the mobile 134 is used to time stamp the GPS data received from the GPS satellites. The time stamps represent the times the GPS data were received by the mobile 134. The time stamped GPS data are packetized and transmitted to the base station along path 144. The time stamped packetized data from the mobile are

received by the base station which also receives GPS data directly from the satellites. The data received by the base station directly from the satellites are indexed by the base station according to such data was received. The base station then matches the time stamp attached to data from the mobile to the indexed packets. Matching time stamps to indexes significantly reduces uncertainty in time of arrival and reduces the amount of data that needs to be transmitted from the mobile. Less data needs to be transmitted to the base station and consequently bandwidth is conserved for other data and cellular communications. During critical times when emergency help is needed from the authorities (e.g., police, fire or medical assistance) accurate position information becomes very important. In such cases, the data rate from the mobile to the base station (along path 144) may be increased resulting in (1) more rapid acquisition of data; (2) more accurate computation of transmitter position; (3) more robust system allowing for drop outs of GPS data and (4) an allowance for higher mobile handset movements including acceleration and other dynamics. Thus, the technique disclosed by Anzil uses time stamped information from a mobile matched to indexed information from a base station to more accurately and more rapidly determine the location of the mobile. Anzil does not use speed and at least one of location or direction to control a data rate for signal transmission. Nowhere in Anzil does it remotely suggest that speed and location or direction are used to determine how to control the data rate. The determination of the data rate is not at issue in Anzil; it is the location of the mobile that is being determined. The data rate is a known factor, it is the parameter that is being modified in order to determine location of the mobile. Moreover, speed is not even mentioned in the section referenced by the Examiner; the determination of the location of the mobile depends on

GPS data time stamped and indexed by a mobile and a serving base station. The above discussion is supported by the specification of the Anzil patent at col. 4, line 12 to col. 5, line 49 describing FIG. 1. Thus Anzil does not disclose the methods recited in independent claims 1 and 25 of Applicants' invention.

Claim Rejections – 35 USC §103

Claims 3-18 and 27-42 have been rejected under 35 USC 103(a) as being unpatentable over Anzil (6,449,485) in view of Ejzak et al. (6,069,883).

As explained above, Applicants believe that Anzil fails to teach or suggest independent claims 1 and 25 of the present invention. In addition, none of the cited references, including Ejzak, Uchida, or any combination thereof teach or suggest respective dependent claims 3-18 and 27-42 or any claims of the present invention, for at least the same reasons mentioned above with respect to independent claims 1 and 25. With regard to some of the dependent claims, the Examiner has rejected those claims based on a disclosure in a "Ajzak" reference. Since, the Examiner has not given any patent number for this reference and there is a great amount of similarity between the names "Ajzak" and "Ejzak" Applicants will reasonably assume that the Examiner intended to refer to the Ejzak reference (US patent 6,069,883),

Request for Reconsideration pursuant to 37 CFR 1.111

Having responded to each and every ground for rejection in the Office Action mailed on February 7, 2005, Applicants request reconsideration in the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow claims 1-48 and pass the application to issue. If there is any point requiring further attention prior to allowance,

the Examiner is asked to contact Applicants' counsel who can be reached at the telephone number listed below.

Respectfully,

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